

UNITED STATES DISTRICT COURT

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Jul 28, 2021

SEAN F. McAVOY, CLERK

for

Eastern District of Washington

U.S.A. vs.

Ortiz Jr., Ismael

Docket No.

0980 2:21CR00043-TOR-3

**Petition for Action on Conditions of Pretrial Release**

COMES NOW, Emely Cubias, PRETRIAL SERVICES OFFICER, presenting an official report upon the conduct of defendant Ismael Ortiz, Jr., who was placed under pretrial release supervision by the Honorable U.S. Magistrate Judge John T. Rodgers, sitting in the court at Spokane, Washington, on the 12th day of May 2021, under the following conditions:

**Standard Condition #9:** Defendant shall refrain from the use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S. Code § 802, unless prescribed by a licensed medical practitioner in conformance with Federal law. Defendant may not use or possess marijuana, regardless of whether the defendant has been authorized medical marijuana under the State law.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

**Violation #1:** The defendant is considered to be in violation of his conditions of pretrial supervision due to using cocaine on or about July 4, 2021.

The defendant was released on pretrial supervision on May 12, 2021. These conditions were reviewed with the defendant on May 19, 2021, and he later signed the order and was provided a copy on May 21, 2021.

This officer received notification from Social Treatment Opportunities Program (STOP) that the defendant had submitted to a drug screen which yielded presumptive positive for methamphetamine, benzodiazepine, and marijuana on July 7, 2021. The defendant signed an admission form admitting to the use of alcohol and cocaine on July 4, 2021. As he contested the use of methamphetamine and marijuana, the sample was sent to the national lab for confirmation.

On July 8, 2021, the defendant contacted this officer directly to admit to using cocaine and alcohol after having a disagreement with a romantic partner and not coping properly.

On July 16, 2021, the national lab reported the defendant's urine sample from July 7, 2021, was negative for all prohibited substances.

As of July 21, 2021, the defendant is engaging in intensive outpatient treatment.

Based on the reported information, no action is requested at this time on the violations as he was honest about his use and is engaged in treatment. However, it is requested the defendant's conditions be modified to add an alcohol prohibition. Attached is the modification order signed by the defendant, his counsel and this officer.

PRAYING THAT THE COURT WILL ORDER NO ACTION AT THIS TIME

Re: Ortiz Jr., Ismael

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I declare under the penalty of perjury  
that the foregoing is true and correct.

Executed on: July 28, 2021

by s/Emely Cubias

Emely Cubias  
U.S. Pretrial Services Officer

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THE COURT ORDERS

- ☒ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ The incorporation of the violation(s) contained in this  
petition with the other violations pending before the  
Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

July 28, 2021

Date